1947.

K

File No. B. Bom. City Land Revenue 47

Legal DEPARTMENT

B BRANCH

Subject:—

P.S. No. 2515

A Bill to amend the Bombay City Land Revenue Act, 1826.

L. A. Bill No. XLIX of 1947.

Bombay Act No. XLIX of 1947.

P.S. E.

File No. B. Bom. City Land Revenue/47/591-B

Std. Sectt. Slip 24 B e.

R E F E R E N C E.

Legal Department File No. B. Bombay City land Revenue/

Sr. No.	Compilation No.	Subject	Pages.
		A Bill to amend the Bombay City land Revenue Act, 1920.	
1.	U.O. to G.O. No.6700 dt. 1st July 1947	Draft Bill	1-3
2.	G.O.C.I. No. 16371 dt. 20th Dec., 1947	Governor's assent	3-4
3.	G.G.L.D. No. 45-L dt. 30th Sept., 1947	Publication of the Bill	5-6
4.	G.G.L.D. No. 13389 dt. 24th Dec., 1947	Publication of the Act	7-16
5.	----------	Act, Bill Dated	17-20

11/5

Office of the O.J.A.

A revised draft Bill is sent herewith.

3. The subject-matter of the Bill falls under entries 31 and 32 of List II in the 7th Schedule to the Government of India Act, 1935. The Bill does not in any manner affect any recommendation under the said Act, nor does it affect any of the special responsibilities of the Governor under section 52(3) thereof. As the Bill does not touch any concurrent legislative matter, it is not necessary to reserve the same for the consideration of the Governor General with reference to section 107(3) of the Government of India Act, 1935.

B. N. V. [illegible],

Superintendent of Legal Affairs.

U.O. to S.D., No.8755, dated the 1st Jul, 1937.

KAN/10.5.
4.9.

No.P.S.G.-5845

Office of the Private Secretary to the Governor,

Government House,
Bombay, 19th December, 1947.

From

L. E. Bagshawe, Esquire, I.C.S.,
Private Secretary to the Governor of Bombay.

To

The Secretary to the Government of Bombay,
Legal Department.

Subject: The Bombay City Land Revenue (Amendment) Bill, 1947.

Sir,

With reference to your letter No. 10967, dated the 18th November 1947 on the subject mentioned above, I return herewith, with His Excellency the Governor's assent signified thereon, * the authentic copy of the Bombay City Land Revenue (Amendment) Bill, 1947.

Your obedient servant,

Sd. L. E. BAGSHAWE

Private Secretary to the Governor of Bombay.

KAN/10-5.
4 o.

Bills.

A Bill to amend the Bombay City Land Revenue Act, 1876.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No.46.
Council Hall, Poona, 20th September 1947.

Memorandum from the Revenue Department, No. 3954/46-C, dated the 17th September 1947, - Transforming for necessary action, the papers relating to a Bill to amend the Bombay City Land Revenue Act, 1876.

Resolved:- The Bill with the Statement of Objects and Reasons should be forwarded to the Manager, Government Central Press, Bombay, for publication in the Bombay Government Gazette, dated the 22nd September 1947, as Bill No. LXX of 1947.

2. The Bill and the Statement of Objects and Reasons should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette, on the 27th September 1947.

3. The dates of the various publications should be reported to the Bombay Legislature Department.

By order of the Governor of Bombay,

Secretary to Government.

S. B. Palekar,
Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with the Bill and Statement of Objects and Reasons and with a request that 250 Gazette copies of the Bill and the S.O.R. may be forwarded to the Bombay Legislature Department for distribution to the members of the Bombay Legislative Assembly and 25 copies for the use of the Legal Department and 50 copies for the use of the Revenue Department)

The Revenue Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
The Director of Publicity, Bombay.
} with a copy of the Bill and S. O. R.

*with five extra copies of the Bill.

BAN/10-3.
4 c.

Acts.

Publication of the Bombay City Land-Revenue (Amendment) Act, 1947.

GOVERNMENT OF BOMBAY,
Legal Department,
Resolution No.13339
Bombay Castle, 24th December 1947.

Letter to the Private Secretary to the Governor, No.10967, dated the 18th November 1947.

Letter from the Private Secretary to the Governor, No.P.S. O.-5945, dated the 19th December 1947:-

"With reference to your letter No.10967, dated the 18th November 1947 on the subject mentioned above, I return herewith, with His Excellency the Governor's assent signified thereon, the authentic copy of the Bombay City Land Revenue (Amendment) Bill, 1947."

RESOLVED:- The law should be published as Bombay Act No.XLIX of 1947, in the Bombay Government Gazette dated the 24th December 1947.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department with reference to the Memorandum from that Department No. 2051/45-B, dated the 17th September 1947.

By order of the Governor of Bombay,

Original S. D. Palekar
S. D. PALEKAR,

Deputy Secretary to Government.

To

The Manager, Government Central Press, Bombay (with a copy of the Act and with a request that 30 Gazette copies of the Act may be forwarded to the Legal Department).

The Revenue Department,
*The Oriental Translator to Government,
The Bombay Legislature Department,
*with five extra copies of the Act.
The Director of Publicity, Bombay.
} with a copy of the Act.

KAM/10-5.

Registered No. B-1

The Bombay Government Gazette

PUBLISHED BY AUTHORITY

MONDAY, 22ND SEPTEMBER 1947.

Separate paging is given to this Part in order that it may be filed as a separate compilation.

PART V

[To be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translations to be published in the "Bombay Government Gazette". The dates of publication to be reported.]

The following Bill is published under the proviso to rule 80 of the Bombay Legislative Assembly Rules :—

L. A. BILL No. XLIX OF 1947.

A Bill to amend the Bombay City Land-Revenue Act, 1876.

Bom. II of 1876.

WHEREAS it is expedient to amend the Bombay City Land-Revenue Act, 1876, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title.

1. This Act may be called the Bombay City Land-Revenue (Amendment) Act, 1947.

Amendment of section 13 of Bom. II of 1876.

2. In section 13 of the Bombay City Land-Revenue Act, 1876 (hereinafter called the said Act), for the words "of the land on which the revenue is due or of any other property, moveable or immoveable, of the defaulter" the words "of such portion of the land on which the revenue is due or of such portion of any other property, moveable or immoveable, of the defaulter, as may be required to satisfy the demand" shall be substituted.

Bom. II of. 1876.

Insertion of new section 13A in Bom. II of 1876.

3. After section 13 of the said Act, the following new section shall be inserted, namely :—

Application to set aside sale on deposit.

"13A. (*1*) Notwithstanding anything contained in section 13, where any immoveable property has been sold under section 13, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale, may within thirty days of such sale apply to the Collector to have the sale set aside, on his depositing with the Collector the amount of the revenue due together with the costs of attachment and sale of such property less any amount which may since the date of attachment of such property have been received by the Collector from the defaulter.

(2) Where such an application is allowed, the Collector shall make an order setting aside the sale :

Provided that no such order shall be made unless notice of the application has been given to all persons affected thereby.

(3) Where the sale of any immoveable property is set aside under sub-section (2), the purchaser shall be entitled to repayment of his purchase-money with interest."

STATEMENT OF OBJECTS AND REASONS.

The Bombay City Land-Revenue Act, 1876 (Bom. II of 1876), does not contain a clause which provides guidance as to whether a part or the whole or all of the moveable or immoveable property of a person in the city of Bombay who is in arrears of land revenue in respect of his lands should be sold to recover the amount of arrears of land revenue. The whole or all the moveable or immoveable property of the defaulter has been sold in some cases to recover amounts of arrears which are insignificant compared to the value of the property sold. This inflicts hardships on the owners of the property if and when their properties are sold. It is, therefore, necessary to provide in the Act a provision to protect the interests of the owners and holders of lands in the city of Bombay. The object of the Bill is to authorise the sale of a part of the property the price of which will be just sufficient to cover the amount of the arrears of the land revenue, and also to permit the owner or holder of the property sold or the person interested in the said property to appeal to the Collector to set aside the sale.

Dated 13th September 1947. (Signed) MORARJI DESAI.

By order of the Governor of Bombay,

P. M. LAD,
Secretary to the Government of Bombay,
Legal Department.

Poona, dated the 20th September 1947.

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.

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BOMBAY ACT No. XLIX OF 1947.

~~L. A. BILL No. XLIX OF 1947.~~

A ~~Bill~~ Act to amend the Bombay City Land-Revenue Act, 1876.

(~~As read for the third time and passed by the Legislative Assembly on the 4th October 1947.~~)

(As read for the third time and passed by the Legislative Council on the 17th October 1947.)

Bom. II of 1876.

WHEREAS it is expedient to amend the Bombay City Land-Revenue Act, 1876, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Bombay City Land-Revenue (Amendment) Act, 1947.

Bom. II of 1876.

Amendment of section 13 of Bom. II of 1876.

2. In section 13 of the Bombay City Land-Revenue Act, 1876 (hereinafter called the said Act), for the words "of the land on which the revenue is due or of any other property, moveable or immoveable, of the defaulter" the words "of such portion of the land on which the revenue is due or of such portion of any other property, moveable or immoveable, of the defaulter, as may be required to satisfy the demand" shall be substituted.

Insertion of new section 13A in Bom. II of 1876.

3. After section 13 of the said Act, the following new section shall be inserted, namely:—

Application to set aside sale on deposit.

"13A. (*1*) Notwithstanding anything contained in section 13, where any immoveable property has been sold under section 13, any person either owning such property or holding an interest therein by virtue of a title acquired before such sale, may within thirty days of such sale apply to the Collector to have the sale set aside, on his depositing with the Collector the amount of the revenue due together with the costs of attachment

and sale of such property less any amount which may since the date of attachment of such property have been received by the Collector from the defaulter.

(*2*) Where such an application is allowed, the Collector shall make an order setting aside the sale :

Provided that no such order shall be made unless notice of the application has been given to all persons affected thereby.

(*3*) Where the sale of any immoveable property is set aside under sub-section (*2*), the purchaser shall be entitled to repayment of his purchase-money with interest."

Government of Bombay

LEGAL DEPARTMENT

[L. A. BILL No. XLIX OF 1947.]

(As read for the third time and passed by the Legislative Assembly on the 4th October 1947.)

(As read for the third time and passed by the Legislative Council on the 17th October 1947.)

A Bill to amend the Bombay City Land-Revenue Act, 1876.

[Mr. Morarji Desai, M.L.A.]

BOMBAY : PRINTED AT THE GOVERNMENT CENTRAL PRESS.